

THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA

Regina Boston,)	
)	Case No. _____
Plaintiff,)	
)	NOTICE OF REMOVAL
vs.)	
)	[Removed from The General Court of
IC System, Inc.,)	Justice District Court Division – Small
)	Claims for Mecklenburg County, North
Defendant.)	Carolina, Case No.: 21CVM8666]
_____)	

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. §§1331, 1367, 1441, and 1446, Defendant IC System, Inc. (“ICS” or “Defendant”), by and through its undersigned counsel, hereby invokes the jurisdiction of the Court and removes Case Number 21CVM8666 from the General Court of Justice District Court Division – Small Claims for Mecklenburg County, North Carolina (“State Court Action”) to the United States District Court for the Western District of North Carolina.

In filing this Notice of Removal, ICS denies the above-named Plaintiff’s allegations set forth in the State Court Action, denies Plaintiff states a claim for which relief may be granted and denies Plaintiff has been damaged in any manner. ICS does not waive and specifically reserves any and all objections as to service, personal jurisdiction, defenses, exceptions, rights, and motions. No statement by ICS herein or omission herefrom shall be deemed to constitute an admission by ICS to any of Plaintiff’s allegations or damages sought in the State Court Action. In support thereof, ICS states as follows:

I. THE UNDERLYING CIVIL ACTION

a. On or about July 30, 2021, Plaintiff Regina Boston (“Plaintiff”), *pro se*, commenced the State Court Action against ICS by filing a complaint with the General Court of

Justice District Court Division – Small Claims for Mecklenburg County, North Carolina (the “Complaint”). The Deputy Clerk of Superior Court in Mecklenburg County, North Carolina issued the Summons on or about July 30, 2021. The Complaint asserts causes of action against ICS related to alleged credit reporting by ICS. The claims against ICS include alleged violations of the federal Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (“FDCPA”) and NC Gen Stat § 75-51, *et seq.*

b. As set forth below, the State Court Action is properly removed to this Court pursuant to 28 U.S.C. §§ 1441 and 1446 because Defendant has satisfied the procedural requirements for removal, and because this Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 and supplemental jurisdiction pursuant to 28 U.S.C. § 1367.

II. THE PROCEDURAL REQUIREMENTS FOR REMOVAL ARE MET

a. Timeliness: A notice of removal may be filed within 30 days after the defendant receives a copy of the initial pleading or other papers from which it may be ascertained that the case is removable. 28 U.S.C. § 1446(b). ICS first received a copy of the Summons and Complaint on August 4, 2021 via Certified Mail through its registered agent, CT Corporation. **See Exhibit A**. Accordingly, this Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(b).

b. Removal to Proper Court: The General Court of Justice District Court Division – Small Claims for Mecklenburg County, North Carolina is located in the Western Division of North Carolina District Court. 28 U.S.C. § 113(c). Venue is proper because this is the “district and division embracing the place where the action is pending.” *See* 28 U.S.C. §§ 1441(a) and 1446(a).

c. Filing/Service Requirements: Pursuant to 28 U.S.C. § 1446(a), a copy of all process, pleadings, and orders provided to ICS, which papers include Plaintiff’s Summons and

Complaint, are attached hereto as **Exhibit B** to this Notice of Removal. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal shall be served upon Plaintiff and a copy shall be filed with the clerk of court for the General Court of Justice District Court Division – Small Claims for Mecklenburg County, North Carolina.

d. No previous application has been made for the relief requested herein.

II. REMOVAL IS PROPER BECAUSE THIS COURT HAS FEDERAL QUESTION JURISDICTION PURSUANT TO 28 U.S.C. §§ 1331 AND 1441.

Fair Debt Collection Practices Act

a. Plaintiff's action is of a civil nature and involves issues of federal question over which the U.S. District Court for the Western District of North Carolina has original subject matter jurisdiction pursuant to 28 U.S.C. § 1331 which provides: "The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States." Plaintiff's Complaint expressly raises claims under the FDCPA. *See **Exhibit B***, Plaintiff's Complaint. Any and all specific and purported claims are denied by ICS.

b. Plaintiff's federal cause of action is properly removable to this Court pursuant to 28 U.S.C. § 1441.

III. SUPPLEMENTAL JURISIDITION OVER THE REMAINING STATE LAW CLAIMS IS APPROPRIATE PURSUANT TO 28 U.S.C. § 1367.

a. Any remaining claims specifically raised in the Complaint or alluded to by the *pro se* litigant that are not encompassed in the federal question grounds for removal are properly before this Court under its supplemental jurisdiction pursuant to 28 U.S.C. § 1367. *See, e.g., IntraComm, Inc. v. Bajaj*, 492 F.3d 285, 290 (4th Cir.2007) (holding the district court had subject matter jurisdiction over the plaintiff's federal Fair Labor Standards Act

claim pursuant to 28 U.S.C. § 1331 and properly exercised supplemental jurisdiction over the plaintiff's state law claims pursuant to 28 U.S.C. § 1367).

b. The substantive allegations of Plaintiff's Complaint, statement of common facts, and incorporation by reference of every preceding allegation into every subsequent claim confirms that any remaining claims not subject to this Court's original subject matter jurisdiction form part of Plaintiff's claim and controversy. As such, any of Plaintiff's remaining claims not subject to this Court's original subject matter jurisdiction are subject to supplemental jurisdiction pursuant to 28 U.S.C. § 1367 and should be exercised by this Court for the compelling reasons of federal policy interest, federal legal consistency, and judicial efficiency.

WHEREFORE, ICS respectfully removes the State Court Action (Case Number: 21CVM8666) from the General Court of Justice District Court Division – Small Claims for Mecklenburg County, North Carolina, to the United States District Court for the Western District of North Carolina pursuant to 28 U.S.C. § § 1331, 1367, 1441 and 1446.

Dated: September 3, 2021

Respectfully submitted,

/s/ Marissa A. Coyle
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*Counsel for Defendant
IC System, Inc.*

THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA

Regina Boston,)	
)	Case No. _____
Plaintiff,)	
)	
vs.)	
)	
IC System, Inc.,)	
)	
Defendant.)	
_____)	

CERTIFICATE OF SERVICE

The undersigned certifies that Defendant **IC System, Inc.’s Notice of Removal** and the accompanying exhibits were served upon Plaintiff and the General Court of Justice District Court Division – Small Claims for Mecklenburg County, North Carolina via Certified Mail Return Receipt Requested with sufficient postage affixed thereto and addressed as follows for the Plaintiff and via Certified Mail to the Small Claims Court:

Regina Boston
c/o General Delivery
Charlotte, North Carolina 28204

Mecklenburg County Courthouse
Clerk of Court
P.O. Box 37971
Charlotte, North Carolina 28237-7971

Regina Boston
2870 Peachtree Road NW #19284
Atlanta, GA 30305

This the 3rd day of September, 2021.

/s/ Marissa A. Coyle
The Echols Firm, LLC